

REMARKS

This is a reply to the Final Office Action dated December 24, 2009, in the above-referenced patent application. Applicant thanks the Examiner for carefully considering the application.

Status of Claims

Claims 1-11 and 13-20 are currently pending. Claims 1, 15 and 19 are independent.

Claims 1, 7-11, 13, 15, and 19 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,409,733 issued to Conlon et al. ("Conlon"). Claims 2-5, 16-18, and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Conlon in view of U.S. Patent No. 6,278,057 issued to Avellanet ("Avellanet") further in view of U.S. Patent No. 5,064,428 issued to Cope et al. ("Cope"). Claims 4-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Conlon in view of Avellanet. Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Conlon in view of U.S. Patent. No. 5,649,021 issued to Matey et al. ("Matey").

Rejections under 35 U.S.C. § 102(b)

Rejection of claims 1, 7-11, 13, 15 and 19 is respectfully traversed for at least the following reasons, Conlon, does not teach, disclose or suggest all of the claimed limitations.

According to MPEP §2131,

'[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a

single prior art reference.’ (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). ‘The identical invention must be shown in as complete detail as is contained in the ... claim.’ (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, *i.e.*, identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir.1990)).

Applicant’s independent claim 1 requires, in part,

a flexible wall (1-1), an open end (1-2) and a closed end (1-3), and said specimen pouch (1) is configured for receiving a biological specimen (9) during micro-invasive surgery through a small incision in a patient therein; A) *said flexible wall of the open end of the specimen pouch has discontinuous serration (1-4)*; B) on said serration (1-4), *there are slots (1-5) through which a string can pass*, wherein the string opens and closes the specimen pouch, *wherein the string opens the specimen pouch when heated, wherein said slots (1-5) are shaped in the open end (1-2) of the specimen pouch by a thermoplastic jointing of the flexible wall (1-1)*, and then the flexible wall (1-1) of the open end (1-2) *is cut into said discontinuous serration (1-4)*; wherein one end of the said string (2) is connected with a slipknot or slip block (7), a noose structure is formed when the other end passes through the slots (1-5) in the serration (1-4) of the open end in the specimen pouch and then the slipknot or slip block (7) (emphasis added).

Applicant’s independent claim 15 requires, in part,

an open end and a closed end, wherein the specimen retrieval pouch is configured for receiving a biological specimen during micro invasive surgery through a small incision in a patient therein, *the flexible wall of the open end of the specimen pouch has discontinuous serration, the serration includes channels through which a pouch deployment and retrieval string can pass, wherein the string opens the specimen pouch when heated* (emphasis added).

Applicant's independent claim 19 requires, in part,

an open end and a closed end, wherein the specimen retrieval pouch is configured for receiving a biological specimen during minimally-invasive surgery through a small incision in a patient therein, the *flexible wall of the open end of the specimen pouch has discontinuous serration, the serration includes channels through which a pouch deployment and retrieval string can pass*, wherein the pouch deployment and retrieval string opens and closes the specimen retrieval pouch, *wherein the string opens the specimen pouch when heated* (emphasis added).

Conlon discloses a specimen retrieval bag that includes a noose to close the specimen bag and spring arms that spread open into a "Y" to deploy (i.e., open) the specimen retrieval bag (Conlon, col. 4, lines 30-36, Fig. 2). The noose in Conlon extends around the periphery of the specimen bag (see Conlon, col. 4, lines 28-31). The noose in Conlon may allow the pouch to open via the spring arms, which may open via heating, but cannot be used itself to actually open the pouch, and especially not when heated. That is, if the string is heated, it would not open the pouch.

Therefore, Conlon cannot teach or suggest "the string *opens and closes the specimen pouch*, wherein *the string opens the specimen pouch when heated*" (emphasis added) as required, in part, by claim 1, or "wherein *the string opens the specimen pouch when heated*" (emphasis added) as required by claim 15, or "*the pouch deployment and retrieval string opens and closes the specimen retrieval pouch* wherein *the string opens the specimen pouch when heated*" (emphasis added) as required, in part, by claim 19.

It is asserted in the Office Action that Conlon teaches said flexible wall of the open end of the specimen pouch has *discontinuous serration* with *slots* because Conlon discloses when the bag is in a closed state, buckle points 85, 86 buckle intermittently forming serrations, and opening above serrations encapsulating string 95 through which a string can pass. Applicant respectfully disagrees. In Conlon, welds 85, 86 are intermittent weld lines that replace a continuous weld line of the prior art. Therefore, it would be clear to a person of ordinary skill in the art that the intermittent welds 85, 86 do not form the slot (1-5) or channel, even in the closed state of the bag, as required, in part, by independent claims 1, 15 and 19.

Further, Conlon does not teach or disclose the pouch has *a serration with slots or a channel* through which the string passes. In Conlon, the string simply passes through the top periphery of the specimen pouch. Therefore, it is clear that Conlon does not teach or disclose “*said flexible wall of the open end of the specimen pouch has discontinuous serration (1-4)*; B) on said serration (1-4), *there are slots (1-5) through which a string can pass*” (emphasis added) as required, in part, by claim 1, or “*the serration includes channels through which a pouch deployment and retrieval string can pass*” (emphasis added) as required, in part, by claims 15 and 19. Moreover, the argument that the weld points cause buckling when the bag is closed, and therefore forms serrations is respectfully incorrect. When the bag of Conlon buckles, the upper portion would include folds, somewhat accordion like, which is completely distinguishable from serrations, or teeth that are formed without such buckling. That is, a person of ordinary skill in the art would be able to quite clearly know the difference between Applicant’s claimed serration

versus a buckling of Conlon, which would form accordion like folds. Additionally, Applicant's claimed invention requires that on said serration (1-4), *there are slots (1-5) through which a string can pass*" (emphasis added) as required, in part, by claim 1, or "*the serration includes channels through which a pouch deployment and retrieval string can pass*" (emphasis added) as required, in part, by claims 15 and 19. These features, however, are clearly lacking in the teachings of Conlon. Furthermore, the claimed invention requires a thermoplastic jointing of the flexible wall, whereas Conlon teaches intermittent weld lines to join the fold wall to the wall. (See Conlon, column 7, lines 7 - 33).

Moreover, when the pouch is closed, Conlon's flexible wall of the intermittent weld lines area is folded and becomes harder than the unfolded portion, and the dimension or space of the concentrated open end of the pouch is large, so it is difficult to let the large and hard open end of the pouch pass through a small incision during micro-invasive surgery. However, in the Applicant's claimed invention, the flexible wall (1-1) of the open end (1-2) is cut into the discontinuous serration (1-4), which reduces the dimension or space of the concentrated open end of the pouch, and the concentrated open end of the pouch is still flexible. Thus, it would be clear to a person of ordinary skill in the art that Applicant's claimed invention results in being easy to let the smaller and flexible open end of the pouch pass through a small incision during micro-invasive surgery.

It is clear that Conlon does not teach or suggest

said flexible wall of the open end of the specimen pouch has discontinuous serration (1-4); B) on said serration (1-4), there are slots (1-5) through which a string can pass, wherein the string opens and closes the specimen pouch, wherein the string opens the specimen pouch when heated, wherein said slots (1-5) are shaped in the open end (1-2) of the specimen pouch by a thermoplastic jointing of the flexible wall (1-1), and then the flexible wall (1-1) of the open end (1-2) is cut into said discontinuous serration (1-4); wherein one end of the said string (2) is connected with a slipknot or slip block (7), a noose structure is formed when the other end passes through the slots (1-5) in the serration (1-4) of the open end in the specimen pouch and then the slipknot or slip block (7) (emphasis added)

as required, in part, by claim 1, or “the flexible wall of the open end of the specimen pouch has discontinuous serration, *the serration includes channels through which a pouch deployment and retrieval string can pass, wherein the string opens the specimen pouch when heated*” (emphasis added),

as required, in part, by claim 15, nor

the flexible wall of the open end of the specimen pouch has discontinuous serration, the serration includes channels through which a pouch deployment and retrieval string can pass, wherein the pouch deployment and retrieval string opens and closes the specimen retrieval pouch, where the string opens the specimen pouch when heated (emphasis added).

as required, in part, by claim 19.

Therefore, since Conlon does not teach, disclose or suggest all of Applicant’s claims 1, 15 and 19 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(b) has not been adequately set forth relative to Conlon. Thus, Applicant’s

claims 1, 15 and 19 are not anticipated by Conlon. Additionally, the claims that directly or indirectly depend on claim 1, namely claims 7-11, and 13, are also not anticipated by Conlon for at least the same reason.

Accordingly, reconsideration and withdrawal of the 35 U.S.C. § 102(b) rejections for claims 1, 7-11, 13, 15, and 19 are respectfully requested.

Rejections under 35 U.S.C. § 103(a)

Claims 2-5, 16-18, and 20

Rejection of claims 2-5, 16-18, and 20 is respectfully traversed for at least the following reasons, Conlon, Avellanet and Cope, whether considered separately or in combination do not teach, disclose or suggest all of the claimed limitations.

According to MPEP § 2142

[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Federal Circuit has stated that ‘rejections on obviousness cannot be sustained with mere conclusory statements; instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.’ *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR*, 550 U.S. at ___, 82 USPQ2d at 1396 (quoting Federal Circuit statement with approval).

Further, according to MPEP § 2143, “[T]he Supreme Court in *KSR International Co. v. Teleflex, Inc.* 550 U.S. ___, ___, 82 USPQ2d 1395-1397 (2007) identified a number of rationales to support a conclusion of obviousness which are consistent with the proper “functional approach” to the determination of obviousness as laid down in *Graham*.” And, according to MPEP § 2143.01, “[o]bviousness can be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so.” *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1335 (Fed. Cir. 2006). Further, “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art.” *KSR International Co. v. Teleflex, Inc.* 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007).

Additionally, according to MPEP § 2143

[a] statement that modification of the prior art to meet the claimed invention would have been “well within the ordinary skill of the art at the time the claimed invention was made” because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish *prima facie* case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Pat. App. & Inter. 1993).

Claims 2-5 either directly or indirectly depend on claim 1. Claims 16-18 either directly or indirectly depend on claim 15. Claim 20 directly depends on claim 20. As asserted above,

a flexible wall (1-1), an open end (1-2) and a closed end (1-3), and said specimen pouch (1) is configured for receiving a biological specimen (9) during micro-invasive surgery through a small incision in a patient therein; A) *said flexible wall of the open end of the specimen pouch has discontinuous serration (1-4)*; B) on said serration (1-4), *there are slots (1-5) through which a string can pass*, wherein the string opens and closes the specimen pouch, *wherein the string opens the specimen pouch when heated, wherein said slots (1-5) are shaped in the open end (1-2) of the specimen pouch by a thermoplastic jointing of the flexible wall (1-1)*, and then the flexible wall (1-1) of the open end (1-2) *is cut into said discontinuous serration (1-4)*; wherein one end of the said string (2) is connected with a slipknot or slip block (7), a noose structure is formed when the other end passes through the slots (1-5) in the serration (1-4) of the open end in the specimen pouch and then the slipknot or slip block (7) (emphasis added),

Applicant's independent claim 15 limitations of

an open end and a closed end, wherein the specimen retrieval pouch is configured for receiving a biological specimen during micro invasive surgery through a small incision in a patient therein, *the flexible wall of the open end of the specimen pouch has discontinuous serration, the serration includes channels through which a pouch deployment and retrieval string can pass, wherein the string opens the specimen pouch when heated* (emphasis added),

nor Applicant's independent claim 19 limitations of

an open end and a closed end, wherein the specimen retrieval pouch is configured for receiving a biological specimen during micro-invasive surgery through a small incision in a patient therein, *the flexible wall of the open end of the specimen pouch has discontinuous serration, the serration includes channels through which a pouch deployment and retrieval string can pass*, wherein the pouch deployment and retrieval string opens and closes the specimen retrieval pouch, *wherein the string opens the specimen pouch when heated* (emphasis added).

Avellanet discloses the use of nickel-titanium wire strands instead of a superelastic

Avellanet discloses the use of nickel-titanium wire strands instead of a superelastic nickel-titanium wire for increased elasticity. Avellanet further discloses that elastic wires are used to enlarge a loop and to constrict a loop. Avellanet also discloses that the wire may be trained to naturally assume the desired enlarged size. Avellanet, however, does not teach that the strands of wire or a wire by itself, would be inserted below an operating temperature and designed to enlarge based on body temperature.

Cope discloses that when a nitinol wire is used below its operating temperature that heat must be used to return the wire to its original shape. Cope further teaches that the operating temperature used in the basket is used above its transformation temperature. Therefore, Cope teaches that the basket is always used in its original shape (Cope, col. 2, lines 61-65). Therefore, there is no need in Cope to lower the temperature before inserting the device into a body. Thus, Cope teaches away from the present invention where *“said string (2) is made of any materials which can save the changed shape and return to the original or near the original shape when disentangled”* (emphasis added) as required, in part, by claim 2, *“the pouch deployment and retrieval string returns to its original shape based on temperature”* (emphasis added) as required, in part, by claim 17, or *“the pouch deployment and retrieval string returns to an open state based on temperature of a body”* (emphasis added) as required, in part, by claim 20.

Even if Conlon is combined with Avellanet and Cope, the result would still not teach, disclose or suggest the limitations contained in claims 1, 15 and 19. Moreover, the discontinuous

serration in Applicant's claimed invention, which is lacking in the cited references, reduces the size of the specimen pouch so that the specimen pouch with a large open end could easily pass through a small surgical cut and diminish the resistance when pulling the specimen pouch out through the small surgical cut. In the prior art, if the open end of a specimen pouch is too large (e.g., the diameter of the open end is greater than 80mm), then the specimen pouch could not pass through a small surgical cut, such as a cut less than 10mm wide. Moreover, when Conlon is closed, the buckling forms accordion like folds, which would jut away from the closure, which is quite the opposite of Applicant's claimed invention.

Further, if Conlon is combined with Avellanet and Cope, the combined result still would not teach, disclose or suggest

a flexible wall (1-1), an open end (1-2) and a closed end (1-3), and said specimen pouch (1) is configured for receiving a biological specimen (9) during micro-invasive surgery through a small incision in a patient therein;
A) said flexible wall of the open end of the specimen pouch has discontinuous serration (1-4); B) on said serration (1-4), there are slots (1-5) through which a string can pass, wherein the string opens and closes the specimen pouch, wherein the string opens the specimen pouch when heated, wherein said slots (1-5) are shaped in the open end (1-2) of the specimen pouch by a thermoplastic jointing of the flexible wall (1-1), and then the flexible wall (1-1) of the open end (1-2) is cut into said discontinuous serration (1-4); wherein one end of the said string (2) is connected with a slipknot or slip block (7), a noose structure is formed when the other end passes through the slots (1-5) in the serration (1-4) of the open end in the specimen pouch and then the slipknot or slip block (7) (emphasis added)

as required, in part, by claim 1,

an open end and a closed end, wherein the specimen retrieval pouch is configured for receiving a biological specimen during micro-invasive surgery through a small incision in a patient therein, the flexible wall of the open end of the specimen pouch has discontinuous serration, *the serration includes channels through which a pouch deployment and retrieval string can pass, wherein the string opens the specimen pouch when heated* (emphasis added),

as required, in part, by claim 15, or

an open end and a closed end, wherein the specimen retrieval pouch is configured for receiving a biological specimen during micro-invasive surgery through a small incision in a patient therein, *the flexible wall of the open end of the specimen pouch has discontinuous serration, the serration includes channels through which a pouch deployment and retrieval string can pass, wherein the pouch deployment and retrieval string opens and closes the specimen retrieval pouch, where the string opens the specimen pouch when heated* (emphasis added)

as required, in part, by claim 19.

Still further, the assertions made in the Office Action on pages 5 and 6 that lead to a conclusion of obviousness are not explicit and the basic requirements of an articulated rationale under MPEP § 2142 cannot be found. Additionally, since neither Conlon, Avellanet, Cope, and therefore, nor the combination of the three, teach, disclose or suggest all the limitations of Applicant's claims 1, 15 and 19, as listed above, Applicant's claims 1, 15 and 19 are not obvious over Conlon in view of Avellanet and Cope since a *prima facie* case of obviousness has not been met under MPEP § 2143. Additionally, the claims that directly or indirectly depend from claims 1, 15 and 19, namely claims 2-5, 16-18, and 20, respectively, would also not be obvious over

Conlon in view of Avellanet and Cope for at least the same reasons.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection for Claims 2-5, 16-18 and 20 is respectfully requested.

Claims 4-6

Rejection of claims 4-6 and 9-13 is respectfully traversed for at least the following reasons, Conlon, and Avellanet, whether considered separately or in combination, do not teach, disclose or suggest all of the claimed limitations.

Dependent claims 4-6 either directly or indirectly depend on claim 1. As asserted above, the combination of Conlon and Avellanet does not teach, disclose or suggest

said flexible wall of the open end of the specimen pouch has discontinuous serration (1-4); B) on said serration (1-4), there are slots (1-5) through which a string can pass, wherein the string opens and closes the specimen pouch, wherein the string opens the specimen pouch when heated, wherein said slots (1-5) are shaped in the open end (1-2) of the specimen pouch by a thermoplastic jointing of the flexible wall (1-1), and then the flexible wall (1-1) of the open end (1-2) is cut into said discontinuous serration (1-4); wherein one end of the said string (2) is connected with a slipknot or slip block (7), a noose structure is formed when the other end passes through the slots (1-5) in the serration (1-4) of the open end in the specimen pouch and then the slipknot or slip block (7) (emphasis added)

as required, in part, by independent claim 1.

As asserted above, the noose in Conlon extends around the periphery of the specimen bag (see Conlon, col. 4, lines 28-31). The noose in Conlon may allow opening of a specimen bag, but cannot be used to actually open the pouch itself. Further, even if the string in Conlon is heated, the bag would not open as it is clear that the arms are what open- the bag. That is, while the string of Conlon *may allow* opening of the bag, the string in Conlon does not teach that *the string opens the specimen pouch when heated*" (emphasis added). Moreover, heating the string in Conlon would not result in any change in the string that would do anything, let alone open a specimen pouch. Therefore, Conlon cannot teach or suggest "the string *opens and closes the specimen pouch, wherein the string opens the specimen pouch when heated*" (emphasis added) as required, in part, by claim 1.

Further, Conlon does not teach or disclose the pouch has a serration with slots or a channel through which the string passes. In Conlon, the string simply passes through the top periphery of the specimen pouch. Therefore, it is clear that Conlon does not teach or disclose "*said flexible wall of the open end of the specimen pouch has discontinuous serration (1-4); B) on said serration (1-4), there are slots (1-5) through which a string can pass*" (emphasis added) as required, in part, by claim 1.

Still further, the assertions made in the Office Action on page 6 that lead to a conclusion of obviousness are not explicit and the basic requirements of an articulated rationale under

MPEP § 2142 cannot be found. Additionally, since the combination of Conlon and Avellanet does not teach, disclose or suggest all the limitations of Applicant's claim 1, as listed above, Applicant's claim 1 is not obvious over Conlon in view of Avellanet since a *prima facie* case of obviousness has not been met under MPEP § 2143. Additionally, the claims that directly or indirectly depend from claim 1, namely claims 4-6, would also not be obvious over Conlon in view of Avellanet for at least the same reasons.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection for Claims 4-6 is respectfully requested.

Claim 14

Rejection of claim 14 is respectfully traversed for at least the following reasons, Conlon and Matey, whether considered separately or in combination do not teach, disclose or suggest all of the claimed limitations.

Dependent claim 14 directly depends on claim 1. As asserted above, Conlon does not teach, disclose or suggest

a flexible wall (1-1), an open end (1-2) and a closed end (1-3), and said *specimen pouch (1) is configured for receiving biological specimen (9) during micro-invasive surgery through a small incision in a patient therein; A) said flexible wall of the open end of the specimen pouch has discontinuous serration (1-4); B) on said serration (1-4), there are slots (1-5) through which a string can pass, wherein the string opens and closes the specimen pouch, wherein the string opens the specimen pouch when heated, wherein said slots (1-5) are shaped in the open end (1-2) of the*

discontinuous serration (1-4); wherein one end of the said string (2) is connected with a slipknot or slip block (7), a noose structure is formed when the other end passes through the slots (1-5) in the serration (1-4) of the open end in the specimen pouch and then the slipknot or slip block (7) (emphasis added),

as required, in part, by independent claim 1.

Matey discloses a tool (laparoscope) that is marked with a color not found in an abdomen.

The reason Matey does this is so the detector can detect the laparoscope. This is completely different than Applicant's claimed invention. In Applicant's claimed invention, a laparoscope is used to guide a physician so that a biological specimen can be placed in the specimen pouch. The coloring of the pouch makes it easy for the physician to differentiate the pouch from the specimen, which makes it easier for the physician to place the specimen in the pouch and reduces mistakes.

Even if the teachings of Matey are combined with those of Conlon, the combination would not teach, disclose or suggest

a flexible wall (1-1), an open end (1-2) and a closed end (1-3), and said specimen pouch (1) is configured for receiving biological specimen (9) during micro-invasive surgery through a small incision in a patient therein; A) *said flexible wall of the open end of the specimen pouch has discontinuous serration (1-4); B) on said serration (1-4), there are slots (1-5) through which a string can pass, wherein the string opens and closes the specimen pouch, wherein the string opens the specimen pouch when heated, wherein said slots (1-5) are shaped in the open end (1-2) of the specimen pouch by a thermoplastic jointing of the flexible wall (1-1), and then the flexible wall (1-1) of the open end (1-2) is cut into said discontinuous serration (1-4); wherein one end of the said string (2) is connected with a slipknot or slip block (7), a noose structure is formed when the other end passes through the slots (1-5) in the serration (1-4) of*

the open end in the specimen pouch and then the slipknot or slip block (7)
(emphasis added)

as required, in part, by independent claim 1.

Still further, the assertions made in the Office Action on page 7 that lead to a conclusion of obviousness are not explicit and the basic requirements of an articulated rationale under MPEP § 2142 cannot be found. Additionally, since the combination of Conlon and Matey does not teach, disclose or suggest all the limitations of Applicant's claim 1, as listed above, Applicant's claim 1 is not obvious over Conlon in view of Matey since a *prima facie* case of obviousness has not been met under MPEP § 2143. Additionally, the claim that directly depends from claim 1, namely claim 14, would also not be obvious over Conlon in view of Matey for at least the same reasons.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection for Claim 14 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, Applicant believes that the claims are in condition for allowance. Reconsideration, re-examination, and allowance of all claims are respectfully requested. If the Examiner feels that a telephone interview may help further the examination of the present application, the Examiner is encouraged to call the undersigned attorney or his associates at the telephone number listed below.

Please direct all correspondence to **Myers Andras Sherman LLP**, 19900 MacArthur Blvd., Suite 1150, Irvine, California 92612.

Respectfully submitted,

/Steven Laut/	2/12/2010
Steven Laut, Esq.	Date
Registration No. 47,736	
Myers Andras Sherman LLP	
19900 MacArthur Blvd., 11 th Floor	
Irvine, CA 92612	
(949) 223-9600	
(949) 223-9610 – Fax	
USPTO Customer No.: 23386	